

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES LIDESTRI,

Plaintiff,

-against-

AUDREY BURNS,

Defendant.

Case No.: 25-cv-1166

DECLARATION OF AUDREY BURNS

I, AUDREY BURNS, being of full age, hereby declare:

1. I am the defendant in the above-captioned case. I submit this Declaration in support of my Motion to Dismiss.
2. My date of birth is July 1, 1996.
3. When I was fourteen years old my mother and I were homeless, making our way from Oklahoma to California on semi-trucks and any other vehicle that would take us. Around this time, my mother was hit by a semi-truck, a devastating accident in which her bones were broken in 42 places. After the accident, our housing situation was tenuous, but we had a place to stay.

Introduction to Lidestri

4. Wanting to contribute and recognizing modeling as a potentially lucrative career, I found a photographer who was offering free photoshoots. The man, named Jim, indicated that he was offering this promotion to build his portfolio at Castle Rock Pictures.

5. The photoshoot occurred without issue. I brought my own clothing, posed in an age-appropriate manner, and left the shoot feeling good. In the end, the pictures turned out great and both Jim and I uploaded them onto our Facebook pages. Copies of the posts are annexed hereto as Exhibit 5.

6. Several days later, Jim contacted me to say that another photographer had seen my photographs, loved them, and wanted to work with me. Though Jim called the man “Jim Giacomo” I later learned his true identity was James Lidestri, the plaintiff in this case.

7. Jim indicated that Lidestri first wanted me to do a paid test shoot. I convinced my sister and her boyfriend to drive me two and a half hours to Dallas, Texas for the photoshoot, drop me off, and then pick me up and drive me home a few hours later.

8. I arrived at the photoshoot with a selection of my own clothing, as directed by Jim. We began the photoshoot outdoors.

9. The poses Jim was asking me to do were different from the photographs we had previously taken together. Now, Jim was asking me to get on my hands and knees and photographing me from all angles. Next, he asked me to keep my hands on the ground but put my buttocks in the air; he photographed me from behind. I told myself we were outside and it would be fine.

10. Jim indicated that the next shoot would take place in his studio. Inside, he gave me a green g-string bikini he said Lidestri wanted me to wear as well as an oversized men’s t-shirt and a white button down. I was told to put on my heels and stand in front of the wall. I complied. Jim took more photographs of me in the same positions as before as well as with my hands over my bare breasts.

11. Throughout the shoot, Jim told me Lidestri was going to love the pictures we were taking. Even though I felt uncomfortable, I pushed forward, filled with hope that this was the beginning of a successful modeling career. The prospect of me having a regular paycheck was huge for my family. I was going to do whatever I needed to do to make it a reality.

Lidestri Asks for Private Photos

12. A couple days later, Lidestri contacted me to tell me that he was interested in shooting again but, for legal reasons, I would not be able to go to New York to shoot with him until I was 15 and a half and the photographs captured that day would not be released until I turned 16.

13. Waiting that long for another paycheck was not an option for me. I was desperate not to lose our apartment.

14. I told Lidestri that I needed to keep making money and when he told me he would send me money by Western Union if I sent him “sexy” pictures, that’s exactly what I did.

15. Soon thereafter, Lidestri arranged for another shoot with Jim. This time, Jim came to Oklahoma, meaning the shoot was entirely outdoors. Though the weather was cold, I was grateful. Again Jim provided me with specific items of clothing and made requests for certain poses, including one where I took off my top but covered my breasts.

16. Lidestri continued to ask me to send him private photographs in exchange for him sending money. When I was not as cooperative as he liked, he would say he wanted to confirm my body type had not changed and I didn’t have any tattoos, piercings, or marks on my body.

17. Any changes in my appearance and I would not be invited to New York.

My Trip to New York

18. Finally, the time came for me to make the trip to New York to be photographed by Lidestri himself. Though he pushed for me to come alone, my mother would not allow it.

19. Lidestri booked us two business class tickets to New York and a room in a Times Square hotel. Prior to our departure, he sent a Western Union which was designed to cover travel incidentals like a taxi from the airport.

20. When my mom and I got to our room, at least ten hundred dollar bills were lined up on the bed as well as a bag from Juicy Couture. It felt like this was going to be a turning point. We were both so excited.

21. Soon after we landed, Lidestri picked us up in his car and we drove around New York. We ended up back in Times Square where we visited the M&M Factory and I picked out an I Love NY shirt which he said I could wear for the photoshoot at his house the next day.

22. Lidestri warned me not to eat before the shoot and said he would return to pick us up the following day.

23. The drive to his house seemed to take forever. It was early spring and everything was green and blooming. Even though I was so nervous, I felt like I was about to give my family financial security.

The New York Photoshoot: Day One

24. Driving up to the house, I was impressed. It was two stories and had a long driveway lined with beautiful trees. Inside, the floors were hardwood, and the basement had a home theatre.

25. Lidestri took my mom and I to the theatre which he had fully stocked with my mom's favorite beer. He told her to pick out anything she wanted to watch – even movies that were still in theatres – and enjoy herself. I remember my mom acting like this was the most thoughtful gesture. Lidestri handed her an open beer and the remote, and we went upstairs.

26. Upstairs, Lidestri showed me his portfolio, which consisted of dozens of beautiful young women and girls posing in g-strings. Seeing these professional looking photographs, I felt like it was silly for me to be nervous. If those were the types of photographs we were going to be taking, everything was going to be fine.

27. I remember thinking “I can be one of these girls.” I went from being homeless to staying in a fancy hotel in Times Square and was about to be photographed in a mansion by someone who made girls who looked just like me famous. This was it.

28. Lidestri did not like the shirt I had selected for the first shoot and turned it around so the back slit exposed by breasts. He handed me a black g-string he wanted me to put on and offered to turn around while I changed into it.

29. As we photographed, he instructed me that we were going to do “slips” where I held my breasts but revealed portions of my nipple. Throughout the shoot, Lidestri grunted and moaned and was constantly readjusting the crotch area of his pants. I was so uncomfortable.

30. He must not have liked how the shoot was going because before long he was offering me beer. I drank the whole thing as fast as I could and felt much more relaxed.

31. For the next shoot, Lidestri handed me the I Love NY shirt we had selected the night before; he had cut it up so it was impossible to wear without exposing my breasts. Lidestri directed me to do more “nip slips” which he both photographed and recorded. Between the shirt and my lightheadedness from the beer, my nipples were constantly exposed. He assured me he would edit it out.

32. The next shoot took place in his bedroom and called for a different camera: a small handheld device with a collapsible side screen. Lidestri directed me to lay down on his bed and relax. He asked me if I had ever been with a man before and I said “no.” He asked me if I had ever kissed a man before and I told him that I had once kissed a boy in the fourth or fifth grade but my dad had gotten angry about it.

33. By this point, Lidestri was already on top of me, laying on me from the waist down. He touched my stomach as he stuck his tongue into my vagina. I clenched my fists and went stiff. It went on for what felt like forever.

34. When he was done, he grabbed his camera, turned it off, removed cash from his back pocket and gave it to me, calling it a “gift.” Lidestri said I did not need to tell anyone about what had just happened and I could get in trouble for the types of pictures I had just taken so to just let it go.

35. At this point, I felt very removed from the situation. He directed me to put on a white outfit for a photoshoot in his bed; I complied.

36. After that photoshoot, I was allowed time to eat and check on my mom. She had fallen asleep in the theatre downstairs. We did one more photoshoot in a different bedroom and then he took us home.

37. Lidestri was excited and animated the entire drive home. He kept telling my mom how great the shoot had gone and said I was going to be famous. He told my mom and I to think about what my fake model name should be. Lidestri was emphatic that people are “creepy” and should not know my real name.

38. I went to bed angry at the world and especially angry with my mom.

The New York Photoshoot: Day Two

39. The following day I woke up determined to get the day over with and make money.

40. Day two of the photoshoot was much faster. We did one shoot in his bathroom, another in a hallway, and another on a downstairs couch. When my mom called to see whether we were done, he told me to get dressed. It was clear he did not want my mother to see what I was wearing.

41. Lidestri provided my mom with the contracts which she gladly signed without reading, under the impression that her daughter was about to become a famous model. We picked out an alias and Lidestri drove us back to the hotel.

Lidestri Launches Me

42. Soon thereafter, Lidestri uploaded my images onto his website. He told me that people loved the pictures and me.

43. At some point after I returned to Oklahoma, I disclosed to a friend what had happened in Lidestri’s bedroom.

44. While the website initially only contained my pictures, soon other girls were uploaded as well. Before long, I was sent an Andoid phone which I was told to use to communicate with people who were writing to me on the website.

45. The messages I was receiving on a daily basis were disgusting. If I did not understand what they were saying to me, I would respond with emojis. If I did understand, I would thank them. I hated it.

46. I begged Lidestri to stop, but Lidestri said I was required to do this for at least thirty minutes a day otherwise I was in breach of my contract and owed him money. I continued to message with these people for more than a year.

47. During this time, Lidestri pushed me to come to New York to shoot with him again, but I refused. He offered to bring another model to shoot with me, then a make up artist – anything to make me comfortable. For a time, I held my ground.

48. I continued to take photographs for Lidestri's website with other photographers, but was adamant that I did not want to go back to New York.

The Florida Photoshoot

49. When I was 17 years old, Lidestri flew me to Florida for another photoshoot with him. He assured me another model would be present: Amanda.

50. Amanda and I arrived before Lidestri and were fast friends. We had similar family situations and traded stories about all the horrible things Lidestri had done or tried to get us to do. We made a pact to never leave the room while the other was being photographed by Lidestri.

51. During the shoot, Lidestri did not attempt to touch either one of us, and I began to feel our plan had worked. I felt so grateful to Amanda and like I finally had met someone who could understand what I was going through.

52. Unfortunately, when Amanda asked to get a tattoo, Lidestri's mood shifted. Lidestri said she needed to be 18 to get a tattoo and that more tattoos would make her look like less of a little girl.

53. Lidestri told Amanda if she wanted a tattoo, she was going to have to convince me to take photographs with her naked and kissing one another. Amanda begged me and, feeling I owed my physical safety to her, I agreed.

54. Amanda and I got naked and pretended to kiss one another.

55. As much as I did not want to engage in this behavior or take these photographs, it was, without a doubt, better than being left alone with Lidestri.

My Photographs and Videos Are Found

56. By the time I was a junior in high school, a picture of my buttocks had somehow found its way to a viral video entitled "10 Best Asses on Vine" or something similar. It spread through my high school like wildfire.

57. With two months left of my junior year, I left home and moved to Florida where I lived in my car until I found a place to stay.

58. Soon after I turned 18, Lidestri again contacted me. He had been following me on social media and said, in sum and substance, that I still looked good and I should have my own website. With more life experience, I told him that I would no longer be working for pennies.

59. I did one more photoshoot with Lidestri as an adult and little had changed. He still made the same disgusting sounds and attempted to push boundaries. Eventually I told him that all the money in the world would not convince me to have sex with him.

60. I cut off communications soon thereafter.

New York Times Piece

61. In 2024 I was contacted by a New York Times reporter who indicated that the newspaper was interested in running a story on Lidestri and the child model industry, generally.

62. I was told the piece was to help others and for the public interest.

63. I never flew to New York for the piece, did not know where the author was located, and was not paid for the interview.

64. Everything I said in the piece was true.

65. I have not transacted business in New York nor have I derived substantial revenue based on the article being published from New York.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 28, 2025

/s/ Audrey Burns
Audrey Burns